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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,337	01/03/2006	Siegried Koeppen	20811/0204741-US0	8841
7278	7590	09/19/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			SU, SARAH	
ART UNIT		PAPER NUMBER		
		2131		
MAIL DATE		DELIVERY MODE		
09/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/563,337	KOEPHEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sarah Su	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-16 is/are rejected.  
 7) Claim(s) 2,5 and 13-16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 1/3/06.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Preliminary Amendment, received on 3 January 2006, has been entered into record. In this amendment, claim 1 has been cancelled and claims 2-16 have been added.
2. Claims 2-16 are presented for examination.

***Priority***

3. The claim for priority from PCT/DE04/01252 filed on 17 June 2004 is duly noted.
4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
6. The disclosure is objected to because of the following informalities: in paragraph 0010, line 4: "is allowed is" should read –is allowed are–.

Appropriate correction is required.

***Claim Objections***

7. Claims 2, 5, and 13-16 are objected to because of the following informalities:

- a. In claim 2, line 19: "first files" is unclear if it relates to "first file" (claim 2, line 12);
- b. In claim 2, line 21: "a second file" is unclear if it relates to "a second file" (claim 2, line 14);
- c. In claim 5, line 2: "a secret key" is unclear if it relates to "a secret key" (claim 2, line 5);
- d. In claim 13, line 9: "respective management information" is unclear if it relates to "respective management information" (claim 13, line 5);
- e. In claim 13, line 13: "the personal locker" is unclear if it relates to "a personal locker" (claim 2, line 19) or "a respective personal locker" (claim 13, line 13);
- f. In claim 13, line 16: "another user" is unclear if it relates to "another user" (claim 2, line 21);
- g. In claim 13, line 23: "a plurality of other users" is unclear if it relates to "a plurality of other users" (claim 2, line 28);
- h. In claim 14, line 6: "the public key" lacks antecedent basis;
- i. In claim 15, lines 1-2: "a provisioning locker" is unclear if it relates to "a provisioning locker" (claim 2, line 21);
- j. Claim 16 is objected to because it depends on a cancelled claim. For the purposes of examination, the examiner asserts that the applicant intended for it to be dependent on claim 14, and it has been treated as such for the remainder of this office action.

Appropriate correction is required.

### ***Drawings***

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “1” has been used to designate both main folder (0014, line 2) and Main Locker (Figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong et al. (US 2004/0054750 A1 and de Jong hereinafter) and in view of Challener (US 2003/0174842 A1).

As to claim 2, de Jong discloses a system and method for digital content access control, the system and method having:

**accessing the server over an internet (0081, lines 16-17);**  
**sending, by the server (i.e. provisioner), a client program (i.e. tokens)**  
**to a first local computer of the first user, the client program enabling an**  
**authentication of the first user using the user certificate and a transmission**  
**of at least one further security requirement (0127, lines 1-3, 5-10);**  
**setting up a personal main folder (i.e. content repository) on the server**  
**for the first user, the main folder having a first file (i.e. content rights**  
**database) including a first security requirement defined for the main folder**  
**and first management information so as to provide a main locker, the main**  
**folder being configured to have at least one further folder (i.e. content**  
**associated with request) set up therein, the at least one further folder having**

**a function and a second file including a second security requirement (i.e. token) defined for the at least one further folder and including second management information so as to provide a functional locker, the functional locker being displayed only if at least one security-relevant requirement is met so as to provide a locker system having a virtual character (0098, lines 9-14; 0099, lines 4-13, 16-19), the functional locker providing a function of at least one of: a personal locker, first files being storables in the personal locker only by the first user and displayable only to the first user; a provisioning locker, a first reference (i.e. URL) to a second file for another user being storables by the first user therein (0109, lines 2-3; 0110, lines 1-6); a receiving locker for a third file of a sender user of the users, the receiving locker being configured, when opened, to provide to the first user a sender user reference relating to the storage of the third file and to a sender user defined security requirement; and a public locker configured to store, by the first user, the first reference to the second file when the first reference is stored in the provisioning locker, which, when the first reference is intended for a plurality of other users.**

De Jong does not disclose:

**upon request, issuing, by an operator of the server, to a first user of the users a user certificate for access conditions, and providing the user certificate and a secret key to the first user.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener. Challener discloses a system and method for managing private keys, the system and method having:

**upon request, issuing, by an operator of the server (i.e. CA), to a first user of the users a user certificate for access conditions, and providing the user certificate and a secret key to the first user (0005, lines 1-7).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by providing a user with a certificate and key. Challener recites motivation by disclosing that using encryption is a well known method of providing security for communications between two computers in a network (0004, lines 7-8). It is obvious that the teachings of Challener would have improved the teachings of de Jong by providing for encryption in order to secure communications.

As to claim 3, de Jong does not disclose:

**wherein the certificate includes a public key.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener. Challener discloses:

**wherein the certificate includes a public key (0005, lines 1-3).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by using a public key in a certificate. Challener recites motivation by disclosing that using a public key in a certificate allows all parties to access the public key (0005, lines 5-6). It is obvious that the teachings of Challener would have improved the teachings of de Jong by using a certificate with a key in order to allow all parties to have access to the key.

As to claim 4, de Jong does not disclose:

**providing a public key to the first user.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener.

Challener discloses:

**providing a public key to the first user** (0005, lines 4-6).

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by providing a public key to a user. Please refer to the motivation recited above in respect to claim 2 as to why it is obvious to apply the teachings of Challener to the teachings of de Jong.

As to claim 5, de Jong does not disclose:

**wherein the providing the user certificate and a secret key to the first user is performed by providing the user certificate and a secret key on a smart card.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener.

Challener discloses:

**wherein the providing the user certificate and a secret key to the first user is performed by providing the user certificate and a secret key on a smart card (0008, lines 1-3).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by providing key information on a smart card. Challener recites motivation by disclosing that smart cards are small and can hold memory and logic (0008, lines 1-2). It is obvious that the teachings of Challener would have improved the teachings of de Jong by providing key information on a smart card in order to provide security using a small device.

As to claim 6, de Jong discloses:

**wherein the at least one further security requirement includes at least one of a biometric system requirement, a geographic positioning requirement, a time restriction, a network requirement, and a computer data requirement (0098, lines 19-22).**

As to claim 7, de Jong discloses:

**wherein the at least one further security requirement includes a time dependency** (0164, lines 2-5).

As to claim 8, de Jong discloses:

**wherein the at least one security-relevant requirement is a requirement of the operator of the server, the first user, and the sender (i.e. user of one or more users) of the third file** (0098, lines 4-8, 19-22).

As to claim 9, de Jong discloses:

**wherein the provisioning locker has a name associated therewith** (0110, lines -6).

As to claim 10, de Jong discloses:

**wherein the provisioning locker includes a user locker for the another user** (Abstract, lines 9-10).

As to claim 13, de Jong discloses:

**wherein the first user is a user registered with the server, and further comprising setting up a second personal main folder on the server for a second user registered with the server, the second main folder having a**

**respective first file including a respective first security requirement defined for the respective main folder and respective management information so as to provide a respective locker, each respective main folder being configured to have respective further folders set up therein, the respective further folders each having a respective function and each having a respective second file including a respective second security requirement defined for the respective further folder and including respective management information, each of the further folders acting as a respective functional locker, each functional locker being displayed only if a respective security-relevant requirement is met, so as to provide a respective locker system having a virtual character (0098, lines 9-14; 0099, lines 4-13, 16-19), each functional locker providing a respective function of at least one of: a respective personal locker, respective first files being storable in the personal locker only by the respective user and displayable only to the respective user; a respective provisioning locker, a respective first reference to a respective second file for another user being storable by the respective user therein (0109, lines 2-3; 0110, lines 1-6); a respective receiving locker for a respective third file of a respective sender user of the users, the respective receiving locker being configured, when opened, to provide to the respective user a respective sender user reference relating to the storage of the respective third file and to a respective sender user defined security requirement; and a respective public locker configured to**

**store, by the first user, the first reference to the second file when the first reference is stored in the provisioning locker, which, when the first reference is intended for a plurality of other users.**

The examiner notes that the process of claim 13 uses the similar process of claim 2 to create a second instance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to repeat the same process of claim 2 to create another instance of the folder because a mere duplication only involves routine skill in the art.

12. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong in view of Challener as applied to claim 2 above, and further in view of Perlman (US Patent 5,901,227).

As to claim 14, de Jong in view of Challener discloses:

**encrypting the data using the access key (0004, lines 8-10);**  
**encrypting, by the server, the transmitted encrypted data a second time (0032, lines 5-8; 0033, lines 8-10).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by encrypting data with a key. Please refer to the motivation recited above in respect to claim 2 as to why it is obvious to apply the teachings of Challener to the teachings of de Jong.

De Jong in view of Challener does not disclose:

**storing a fourth file in the functional locker only if the second security requirement is met;**

**generating a random number from data of the fourth file so as to provide an access key;**

**subsequently encrypting the access key with the public key and then destroying the access key so that the access key, for accessing the stored file, can only be recovered using the secret key;**

**transmitting, to the server, the encrypted data, fourth management information of the fourth file, and the encrypted access key;**

**generating a unique file identifier for the fourth file;**

**storing the fourth file in a system locker using the file identifier;**

**storing a fourth reference to the fourth file in the functional locker, the fourth reference including the file identifier, the encrypted access key, and the fourth management information.**

Nonetheless, these features are well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Perlman.

Perlman discloses a system and method for implementing partial and complete optional key escrow, the system and method having:

**storing a fourth file in the functional locker only if the second security requirement (i.e. minimum fulfilled) is met** (col. 5, lines 55-57; col. 6, lines 10-14);

**generating a random number (i.e. nonce) from data of the fourth file so as to provide an access key** (col. 1, lines 29-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to derive a random number from data since it is known in the art that linking data content to encryption increases security.

**subsequently encrypting the access key with the public key and then destroying the access key so that the access key, for accessing the stored file, can only be recovered using the secret key** (col. 4, lines 44-45, 47-49);  
**transmitting, to the server, the encrypted data, fourth management information of the fourth file, and the encrypted access key** (col. 5, lines 29-36);

**generating a unique file identifier (i.e. UID) for the fourth file (i.e. escrow information)** (col. 6, lines 46-48);

**storing the fourth file in a system locker using the file identifier** (col. 5, lines 55-57; col. 6, lines 32-33);

**storing a fourth reference to the fourth file in the functional locker, the fourth reference including the file identifier, the encrypted access key, and the fourth management information** (col. 5, lines 31-36).

Given the teaching of Perlman, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Perlman by transferring a hidden key and storing information. Perlman recites motivation by

disclosing that encrypting keys ensures that the information is safe from an eavesdropper (col. 1, lines 43-45) and storing information using a pointer so that the information can be shared (col. 6, lines 19-22). It is obvious that the teachings of Perlman would have improved the teachings of de Jong in view of Challener by transferring a hidden key and storing information so that the information can be protected while being shared.

As to claim 15, de Jong in view of Challener discloses:

**wherein the functional locker is a provisioning locker including a user file (i.e. messages) for the another user (0024, lines 5-7), and further comprising enabling the stored fourth file to be forwarded by the first user to the another user only if the first user decrypts the encrypted access key with the secret key and re-encrypts the decrypted access key with a second public key of the another user (0033, lines 4-10), and the re-encrypted access key, the file identifier and the fourth management information, are stored as the fourth reference to the file into the user locker (0027, lines 11-14; 0033, lines 10-12).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by re-encrypting the key and storing it with information. Challener recites motivation by disclosing that encrypting the key assures an administrator that the information is sent only to an

authorized client (0035, lines 10-12). It is obvious that the teachings of Challener would have improved the teachings of de Jong by storing a re-encrypted key in order to ensure the integrity of the key.

As to claim 16, de Jong in view of Challener does not disclose:

**wherein the second management information includes a management requirement, and wherein the storing the fourth file is performed only if the management requirement is met.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Perlman.

Perlman discloses:

**wherein the second management information includes a management requirement, and wherein the storing the fourth file (i.e. escrow information) is performed only if the management requirement is met**  
(col. 5, lines 55-57; col. 6, lines 10-14).

Given the teaching of Perlman, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Perlman by storing information only if a requirement is met. Perlman recites motivation by disclosing that only information that follows certain requirements, such as the requirements of a government (col. 6, lines 13-14) can be used. It is obvious that the teachings of

Perlman would have improved the teachings of de Jong in view of Challener by storing information if a condition is met in order to ensure compliance with regulations.

13. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong in view of Challener as applied to claim 2 above, and further in view of Winiger et al. (US 2004/0010715 A1 and Winiger hereinafter).

As to claim 11, de Jong in view of Challener does not disclose:

**wherein the receiving locker has a name associated with the sender  
of the third file.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Winiger.

Winiger discloses a system and method for specifying a repository for an authentication token, the system and method having:

**wherein the receiving locker has a name associated with the sender  
(i.e. user) of the third file (i.e. password) (0039, lines 7-8).**

Given the teaching of Winiger, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Winiger by using a name associated with data. Winiger recites motivation by disclosing that the use of identification information such as a name enables a system to perform operations such as a password change (0039, lines 3-7). It is obvious that the teachings of Winiger

would have improved the teachings of de Jong in view of Challener by associating a name with data in order to provide for operations such as password changes.

As to claim 12, de Jong in view of Challener does not disclose:

**wherein the receiving locker includes a user locker for the sender user.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Winiger.

Winiger discloses:

**wherein the receiving locker includes a user locker** (i.e. storage of password in repository) **for the sender user** (0030, lines 3-4).

Given the teaching of Winiger, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Winiger by providing for a locker for a user. Winiger recites motivation by disclosing that storing a token with which to compare inputted information allows for authentication (0004, lines 7-13). It is obvious that the teachings of Winiger would have improved the teachings of de Jong in view of Challener by providing a locker for a user in which to store data so that the information can be used for authentication.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Su/  
Examiner, Art Unit 2131

/Christopher A. Revak/  
Primary Examiner, Art Unit 2131